

REMARKS

Applicants have herein amended claims 24, 27, 36, 40, 44 and 48-51. In claims 24 and 50, the term “having limited miscibility or solubility with water” is now amended to include the additional limitation “at 20 °C up to 26 percent by weight.” Support for this amendment comes from Table 16, originally incorporated by reference as p. 469 of “Ullman’s Encyclopedia of Industrial Chemistry” Vol. A24, 5th edition (1993), pp. 437-505, incorporated by reference in the original application on p. 7, lines 1-12 and herein amended to be added to the specification, according to MPEP § 601.01(p)A.2. (See amendatory Table 1 provided herewith, providing the miscibility of solvents with water (wt % at 20 °C) wherein the “Solvent in water” column shows tetrahydronaphthalene and dipentane having no wt % recorded, indicating that the number is too small to measure – i.e., is effectively zero – and shows methyl ethyl ketone having a wt % of 26.0 in water.) Further support for the lower limit comes from p. 7, lines 10-12 (“the term “limited miscibility or solubility with water” shall also include water-immiscible or water-insoluble organic solvents.”).

In claim 27, a typographical error has been corrected (“brother” was corrected to “broth”). In claims 36, 40, 44, 49 and 51 the term “having limited miscibility or solubility with water” has been deleted because the term is already present in the independent claims from which these claims depend (i.e., claims 24 and 50). Claims 40, 49 and 51 have been amended to list the solvent “butanol” as “n-butanol” to distinguish it from *tert*-butanol, which is completely miscible in water. Support for this amendment comes from Table 1, wherein butanol is listed with a limited miscibility in water of 7.5 weight percent and *tert*-butanol is listed with an infinite miscibility in water.

Claims 40, 49 and 51 are also amended to add the following solvents: sec-butanol, trimethylcyclohexanol, methylbenzyl alcohol, methyl ethyl ketone, diisobutyl ketone, isophorone, trimethylcyclohexanone, butyl acetate, ethylglycol acetate, butyl glycol acetate, cyclohexyl acetate, butyl glycolate, propylene carbonate, dibutyl ether, methyl tert-butyl ether, 1,1,1-trichloroethane, trichloroethylene, tetrachloroethylene, nitroethane, 1-nitropropane, 2-nitropropane, hexane, toluene, p-xylene, ethylbenzene. Support for this amendment is found in amendatory Table 1. Claims 40, 49 and 51 are also amended to delete the solvent “acetonitrile” from the list of solvents with limited miscibility with water because acetonitrile is totally miscible in water, as those skilled in the art would know. Applicants’ respectfully submit that this amendment does not constitute new matter, but is merely correction of obvious error.

Finally, claim 48 is amended to depend from claim 24. No new subject matter is added with these amendments.

Additionally, the specification is amended to include amendatory Table 1, with a brief description thereof preceding the table, originally part of the reference “Ullman’s Encyclopedia of Industrial Chemistry” Vol. A24, 5th edition (1993), pp. 437-505, incorporated by reference in the original application on p. 7, lines 1-12. As stated by MPEP § 601.01(p)A.2. (p. 600-80), “...wherein essential material is improperly incorporated by reference to a foreign application or patent or to a publication.... the application will be required to amend the specification to include the material incorporated by reference.” According to form paragraph 6.19 which immediately follows, “The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory

material consists of the same material incorporated by reference in the referencing application.” (Per *In re Hawkins*, 486 F.2d 569, 179 and other cases cited in MPEP therein.)

Accordingly, the attorney of record for the Applicants, Barbara J. Carter, has prepared a declaration under 37 CFR § 1.132, as required by MPEP § 608.01(p)A.2., para. 6.19, regarding the amendatory material to be added to the above-referenced application. The 1.132 declaration is attached herewith immediately following this response.

CONCLUSION

Claims 24 and 50 are amended to add the limitation of “at 20 °C up to 26 percent by weight” to the phrase “having limited miscibility or solubility with water”, as outlined above. Claims 36, 40, 44, 49 and 51 are amended to eliminate the term “having limited miscibility or solubility with water.” Claim 27 is amended to correct a typographical error. Claims 40, 49 and 51 are amended to distinguish n-butanol, a solvent with limited miscibility with water from *tert*-butanol, a solvent with infinite miscibility with water, to add solvents from amendatory Table 1, and to delete the solvent acetonitrile. Claim 48 is amended to depend from claim 24. No new subject matter has been added by these amendments.

For the reasons set forth above, it is submitted that all pending claims are in condition for allowance. Reconsideration of the claims and a notice of allowance are therefore requested. Applicants do not believe an extension of time is required. However, in the event that an extension of time has been overlooked, Applicants submit this conditional petition for an extension of time, and request that deposit account number

19-4972 be charged for any fees that may be required for the timely consideration of this application. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

Date: December 12, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Carter', written in a cursive style.

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